

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Pursuant to the authority of Iowa Code section 234.6 and 2011 Iowa Acts, chapter 129, sections 11(2), 11(3), and 28(11), the Department of Human Services amends Chapter 51, “Eligibility,” and Chapter 52, “Payment,” Iowa Administrative Code.

These amendments implement the annual adjustments to eligibility and payment levels in the State Supplementary Assistance Program that are necessary to meet the federal maintenance-of-effort or “pass-along” requirements specified in Title XVI of the Social Security Act and in federal regulations at 20 CFR 416.2095 and 416.2096. Compliance with maintenance-of-effort requirements for state supplements is a condition of eligibility for state participation in the federal Medicaid program.

Iowa uses the payment levels method of compliance, which requires the Department to increase the payment amounts and income limits for State Supplementary Assistance categories effective January 1 of each year as necessary to meet the minimum levels required by the federal government. The minimum levels are indexed by the cost-of-living increase in federal Social Security and Supplemental Security Income (SSI) benefits, which is 3.6 percent for calendar year 2012.

Changes necessary to meet federal pass-along requirements for 2012 are as follows:

- Increasing the income limit and payment standard for a dependent relative from \$344 per month to \$357 per month.
- Increasing the income limits for eligibility for a dependent relative supplement by \$37 per month for an eligible individual (from \$1,018 to \$1,055) and by \$50 per month for an eligible couple (from \$1,355 to \$1,405).
- Increasing the family life home income limit by \$24 per month (from \$836 to \$860).
- Increasing the maximum family life home payment by \$22 per month (from \$743 to \$765).
- Increasing the maximum residential care per diem rate by \$0.78 (from \$28.14 to \$28.92).

State legislation also requires the Department to increase the personal needs allowance for residents of residential care facilities at the same percentage and at the same time as federal Social Security and SSI benefits are increased. Therefore, these amendments increase the residential care facility and family life home personal needs allowances by \$2 per month (from \$93 to \$95).

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin on January 11, 2012, as **ARC 9964B**. These amendments were also Adopted and Filed Emergency and were published as **ARC 9965B** on the same date. The Department received no comments on the Notice of Intended Action. These amendments are identical to those published under Notice of Intended Action and Adopted and Filed Emergency.

The Council on Human Services adopted these amendments on March 14, 2012.

These amendments do not provide for waivers in specified situations because the amendments, by increasing payment levels, benefit the people affected. Requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement 2011 Iowa Acts, chapter 129, sections 11 and 28.

These amendments shall become effective on May 9, 2012, at which time the Adopted and Filed Emergency amendments are rescinded.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [51.4(1), 51.7, 52.1] is being omitted. These amendments are identical to those published under Notice as **ARC 9964B** and Adopted and Filed Emergency as **ARC 9965B**, IAB 1/11/12.

[Filed 3/14/12, effective 5/9/12]

[Published 4/4/12]

[For replacement pages for IAC, see IAC Supplement 4/4/12.]